

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

Marie Elaine Cavan and Donald Cavan,

Plaintiff(s),

VS.

Sanofi US Services Inc. et al

Defendant(s).

MDL NO. 2740

SECTION “N”(5)

JUDGE ENGELHARDT

MAG. JUDGE NORTH

COMPLANT & JURY DEMAND

Civil Action No.: 17-17209

AMENDED SHORT FORM COMPLAINT

Plaintiff(s) incorporate by reference the Amended Master Long Form Complaint and Jury Demand filed in the above-referenced case on March 31, 2017. Pursuant to Pretrial Order No. 15, this Amended Short Form Complaint adopts allegations and encompasses claims as set forth in the Amended Master Long Form Complaint against Defendant(s).

Plaintiff(s) further allege as follows:

1. Plaintiff:
Marie Elaine Cavan
2. Spousal Plaintiff or other party making loss of independent/secondary claim (i.e., loss of consortium):
Donald Cavan

3. Other type of Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Current State of Residence: Oregon

5. State in which Plaintiff(s) allege(s) injury: Oregon

6. Defendants (check all Defendants against whom a Complaint is made):

a. Taxotere Brand Name Defendants

- ☐ A. Sanofi S.A.
- ☐ B. Aventis Pharma S.A.
- ☒ C. Sanofi US Services Inc. f/k/a Sanofi-Aventis U.S. Inc.
- ☒ D. Sanofi-Aventis U.S. LLC

b. Other Brand Name Drug Sponsors, Manufacturers, Distributors

- ☐ A. Sandoz Inc.
- ☐ B. Accord Healthcare, Inc.
- ☐ C. McKesson Corporation d/b/a McKesson Packaging
- ☐ D. Hospira Worldwide, LLC f/k/a Hospira Worldwide, Inc.
- ☐ E. Hospira, Inc.
- ☐ F. Sun Pharma Global FZE
- ☐ G. Sun Pharmaceutical Industries, Inc. f/k/a Caraco Pharmaceutical Laboratories Ltd.
- ☐ H. Pfizer Inc.
- ☐ I. Actavis LLC f/k/a Actavis Inc.
- ☐ J. Actavis Pharma, Inc.

☐ K. Other:

7. Basis for Jurisdiction:

☒ Diversity of Citizenship

☐ Other (any additional basis for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure):

8. Venue:

District Court and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court:

Oregon District Court

9. Brand Product(s) used by Plaintiff (check applicable):

☒ A. Taxotere

☐ B. Docefrez

☐ C. Docetaxel Injection

☐ D. Docetaxel Injection Concentrate

☐ E. Unknown

☐ F. Other:

10. First date and last date of use (or approximate date range, if specific dates are unknown) for Products identified in question 9:

07/08/2008 - 09/09/2008

11. State in which Product(s) identified in question 9 was/were administered:

Oregon

12. Nature and extent of alleged injury (including duration, approximate date of onset (if known), and description of alleged injury):

Permanent loss of hair. Date of onset is after chemotherapy.
Description is no hair regrowth for a majority scalp - alopecia.

13. Counts in Master Complaint brought by Plaintiff(s):

- ☒ Count I – Strict Products Liability - Failure to Warn
- ☒ Count II – Strict Products Liability for Misrepresentation
- ☒ Count III – Negligence
- ☒ Count IV – Negligent Misrepresentation
- ☒ Count V – Fraudulent Misrepresentation
- ☒ Count VI – Fraudulent Concealment
- ☒ Count VII – Fraud and Deceit
- ☒ Count VIII – Breach of Express Warranty (Sanofi Defendants only)

- ☐ Other: Plaintiff(s) may assert the additional theories and/or State Causes of Action against Defendant(s) identified by selecting “Other” and setting forth such claims below. If Plaintiff(s) includes additional theories of recovery, for example, Redhibition under Louisiana law or state consumer protection claims, the specific facts and allegations supporting additional theories must be pleaded by Plaintiff in sufficient detail as required by the applicable Federal Rules of Civil Procedure.

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14. Name of Attorney(s), Bar Number(s), Law Firm(s), Phone Number(s), Email Address(es) and Mailing Address(es) representing Plaintiff(s):

By:

Matthew R. McCarley
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